

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

OCTOBER 18, 2005

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, October 18, 2005 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 8:30 a.m. by Chairman Arthur Slattery

Present: Commissioners Arthur Slattery, Robert Stephen, Barbara Heath, Nancy LeRoy, Executive Director Beth Emmons, and Investigator Ann Flanagan. Commissioner Ikawa arrived at the meeting at 12:00 p.m.

- I. The Minutes of the Commission meeting held on September 13, 2005 were unanimously approved by the Commission.

- II. **APPOINTMENTS**

8:30 a.m. - Equivalency Interviews

The following candidate was interviewed by Commissioners Arthur Slattery, Robert Stephen, Barbara Heath and Nancy LeRoy:

BRIAN C. UNDERWOOD

After review and discussion the Commission decided to table its decision and have Mr. Underwood appear at the next scheduled meeting.

8:55 a.m. – **BRIAN K. FOOSE** appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission decided to allow Mr. Foose to obtain an original salesperson's license, upon receipt of a letter from his principal broker notifying the Commission that he or she has knowledge of Mr. Foose's previous legal incident.

9:05 a.m. – **THOMAS R. DALPHONSE** appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion, and on motion by Commissioner Stephen, seconded by Commissioner LeRoy, the Commission decided to allow Mr. Dalphonse to apply for his original salesperson's license once Mr. Dalphonse submits to the Commission evidence of completion of a continuing education course on ethics.

9:25 a.m. – **AUSTIN PILOTTE** appeared before the Commission to discuss a previous legal incident prior to applying for an original salesperson's license. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission decided to allow Mr. Pilotte to apply for an original salesperson's license.

9:45 – **MICHELLE R. BLAESER** appeared before the Commission to show good cause why she was unable to renew her real estate broker's license prior to her license lapse date, pursuant to RSA

331-A:18, II. After review and discussion, and on motion by Commissioner Heath, seconded by Commissioner Stephen, the Commission, based on good cause demonstrated, decided to approve the reinstatement of Ms. Blaeser's real estate broker's license.

10:00 a.m. – KEN ANSLONO appeared before the Commission to show good cause why he was unable to renew his real estate broker's license prior to his license lapse date, pursuant to RSA 331-A:18, II. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission, based on good cause demonstrated, decided to approve the reinstatement of Mr. Anslono's real estate broker's license.

HEARING 10:10 AM

FILE NO. 2003-06-05 II SUNG HWANG & NH REAL ESTATE COMMISSION VS SHARON BOUCHARD AND LISA KILGORE (ASHTON-KILGORE REALTY, INC.)

Evaluator: Commissioner Ikawa

The following persons were present at the hearing:

Commission: Commissioners Arthur Slattery, Robert Stephen, Barbara Heath, Nancy LeRoy

Stenographer: Camille M. Palladino-Duffy

Nolin, McKenna & Duffy Reporting
Associates
P.O. Box 1658
Dover, NH 03821-1658

Evaluator: Commissioner Ikawa evaluated the above matter and abstained from participation in the discussion and resulting decisions.

Complainant: II Sung Hwang

49 Symonds Road
Hillsborough, NH 03244

&

New Hampshire Real Estate Commission
through its Investigator Ann Flanagan

25 Capitol St., Rm 434
Concord, NH 03301

Attorney: Pro Se

Witnesses: Drew Carter

Respondents: Sharon Bouchard

&
Lisa Kilgore

346 Federal Hill Road
Milford, NH 03055

Ashton-Kilgore Realty, Inc.
Coldwell Banker Ashton-Kilgore Realty
103 Ponemah Road
Amherst, NH 03031

Attorney: Pro Se

Witnesses: None

DECISION: Pending – subject to review of transcripts and exhibits.

DELIBERATIONS

12:15 pm – FILE NOS. 2004-008 NH REAL ESTATE COMMISSION VS GILBERT COX & 2004-009 NH REAL ESTATE COMMISSION VS GILBERT COX. The Commission conducted further deliberations on the above noted Complaint File Nos. prior to issuing an Order on the hearing held on February 25, 2005.

12:50 p.m. – FILE NO. 2003-08-02 NH REAL ESTATE COMMISSION VS JAMES ENDERSON & BRUCE HADLOCK. The Commission conducted further deliberations on the above noted Complaint File prior to issuing an Order on the hearing held on April 19, 2005.

APPOINTMENTS CONTINUED

1:25 p.m. – KELLY GIRAUD appeared before the Commission to request approval as an accredited real estate instructor to teach pre-licensing education, pursuant to Rea 302.01. After review and discussion, the Commission decided to allow Ms. Giraud to apply to become an accredited real estate instructor upon submission to the Executive Director, evidence of completion of 40 hours pre-licensing instruction under the supervision of an accredited real estate pre-licensing instructor and evidence of 8 real estate transactions in which she was actively involved.

1:50 p.m. – MICHAEL ROCHELEAU appeared before the Commission to request approval as an accredited real estate instructor to teach pre-licensing education, pursuant to Rea 302.01. After review and discussion, the Commission decided to allow Mr. Rocheleau to apply to become an accredited real estate instructor once he obtains a New Hampshire broker's license.

2:10 p.m. – DOUGLAS CHARNLEY appeared before the Commission to request approval as an accredited real estate instructor to teach pre-licensing education, pursuant to Rea 302.01. After review and discussion, the Commission decided to allow Mr. Charnley to apply to become an accredited real estate instructor once he submits evidence to the Executive Director, of completion of 40 hours of pre-licensing instruction under the supervisions of an accredited real estate pre-licensing instructor.

2:25 p.m. – KALIM DESIR appeared before the Commission to request approval as an accredited real estate instructor to teach pre-licensing education, pursuant to Rea 302.01. After review and discussion, the Commission decided to require Mr. Desir to obtain 72 hours of real estate related teaching experience and evidence of real estate experience by submitting evidence of real estate transactions. Mr. Desir is to be scheduled to re-appear before the Commission to discuss his real estate teaching experience and real estate transaction experience.

DISCUSSION

FILE NO. 2003-08-01 – After review and discussion, the Commission decided to accept a Request for Withdrawal submitted by the Complainant of File No. 2003-08-01 and directed the Commission's Investigator to initiate a parallel complaint. The parties to the complaint to be so notified.

OTHER BUSINESS

1. Tuesday, November 15, 2005, was unanimously approved as the date for the next regular meeting.
2. CASE EVALUATIONS -
 - (a) **FILE NO. 2004-024**
Evaluator: Commissioner Slattery
Determination: Should be heard, hearing to be scheduled.
 - (b) **FILE NO. 2005-001**
Evaluator: Commissioner LeRoy
Determination: No violation, should not be heard.
 - (c) **FILE NO. 2005-005**
Evaluator: Commissioner Heath
Determination: No violation, should not be heard.
 - (d) **FILE NO. 2005-011**
Evaluator: Commissioner Heath
Determination: Should be heard, hearing to be scheduled.

(e) **FILE NO. 2005-013**

Evaluator: Commissioner Slattery

Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission decided to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of \$100.

(f) **FILE NO. 2005-014**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(g) **FILE NO. 2005-019**

Evaluator: Commissioner Heath

Determination: Should be heard, hearing to be scheduled.

The above determinations were unanimously approved by the Commission, present and voting.

III. **ADJOURNMENT**

Motion by Commissioner Stephen, seconded by Commissioner LeRoy to adjourn the meeting. Commissioner Slattery adjourned the meeting at 3:10 p.m.

Respectfully submitted,

Barbara Heath
Clerk